

*Town of Tyngsborough
Conservation Commission*
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

APPROVED
8-25-09

Minutes
August 11, 2009
APPROVED

Present:

ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **CF:** Christine Fox
JE: Jerry Earl **MM:** Matt Marro, Conservation Director **BM:** Brian Martin, interim associate member

Absent:

LG: Lucy Gertz

7:00pm Meeting opened by Ed Smith

7:00pm George Russell – North Middlesex Council of Governments (NMCOG): Tyngsborough Open Space and Recreation Plan.

George Russell, Senior Planner from NMCOG appeared before the Commission to update them on the current revisions being done on Tyngsborough's Open Space and Recreation Plan. This revision will take the plan into compliance through 2014. Mr. Russell met with Tyngsborough's Open Space and Recreation Plan Committee to finalize the required revisions to be made. Those edits were made and the plan was submitted to the State for the 30 day comment period. Once that period elapses, and any more revisions are made, the plan will be finalized and produced. ES commented that NMCOG has done a fabulous job with the plan.

7:05pm Merrill Quarry (Kitner Construction, Inc.) – Swan Road, Tyngsborough: Stormwater Pollution Prevention Plan, dated May 11, 2009, revised July 9, 2009.

Mark Kitner from Kitner Construction appeared before the Commission with his company's Stormwater Pollution Plan. They plan to take approximately 360 yards of earth from the curve on Swan Road at the Westford town line. This is being done in order to improve the line of sight for the vehicles exiting the access road to Merrill Quarry. MM indicated that the plan has been approved by the town of Westford and added that the plan is a good one and recommends approval.

JE: Motion to close the hearing

CF: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

JE: Motion to approve the Stormwater Pollution Prevention Plan, dated may 11, 2009, revised July 9, 2009.

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

7:10pm 7 Rock Road (M25, P141, L0) – Request for Determination of Applicability for the proposed installation of a 30' x 15' above ground pool.

JK: Motion to waive the reading of the legal ad

JN: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

JK: Motion to waive the reading of the abutters list

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

Applicant, Pamela Christiansen appeared before the Commission regarding the installation of an above ground pool. MM reported that the placement of the pool is within the 100 foot buffer zone and would not impact the resource area, an intermittent stream. JK asked if a deck was going to be added to the pool. Ms. Christiansen said not at this time, but perhaps in the future. JK suggested that the determination include a deck in the future. MM agreed with this suggestion and recommended a negative determination.

JK: Motion to close the hearing.

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

JK: Motion to issue a Negative Determination for the installation of a 30' x 15' above ground pool and the future installation of a pool deck

JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

7:30pm Lake Massapoag Rod & Gun Club (M3, P2, L2) – Notice of Intent DEP# 309-0827 for the proposed harvesting of Variable Millfoil weeds. Continued from 7/28/09.

Jon Wheeler and Brian Sargent appeared before the Commission to continue the hearing regarding the weed harvesting. MM reported that the DEP had not completed their review, but after speaking with them they indicated their concerns about fragmentation. Mr. Wheeler reiterated that the harvesting operation would be done with every intention of keeping fragmentation to a minimum. He noted that the boat traffic on the lake is currently causing much greater fragmentation than the harvesting operation underway in Dunstable. As a matter of fact, the fragmentation is insignificant in the Dunstable operation. MM added that the DCR has said that harvesting is the least desirable way to go, and that lake draw-downs are the best method. Brian Sargent mentioned that the Rod & Gun Club Board of directors voted "not" to draw-down the lake last year. CF asked Mr. Wheeler what would happen next after a harvest operation was performed. Mr. Wheeler answered that they would recommend a lake draw-down to the Board of Directors and proceed with the lake management plan currently in progress. CF then asked how many years would the harvesting operation need to be performed. Mr. Wheeler responded that the operation would need to take place

for several years and decrease in intensity as the years went on. MM strongly urged the Rod & Gun Club to enact a long term lake management plan that would include lake draw-downs on a yearly basis and comprehensive chemical treatment of the lake weeds. Tom Rooney of 140 Massapoag Rd. voiced his disgust with the weed infestation in the lake and was in favor of the harvesting project. Another resident from 130 Massapoag Rd. concurred with Mr. Rooney about the harvesting project. Dan Williams from Dunstable voiced his concerns about harvesting saying that he's been involved with a harvesting project on a New Hampshire lake and the results were devastating because the weeds grew back thicker and worse than before the operation began. Two more Massapoag Rd. residents were in favor of the harvesting operation, and 1 resident from 182 Massapoag Rd. strongly voiced his objection to the harvesting operation in favor instead of the draw-down method. MM indicated that there may be a way to phase-in all of the necessary steps in managing the lake's weeds by making any approved Order of Conditions contingent on a several tiered timeline of operations. That being said, MM recommended that more time be allowed to formulate a comprehensive Order of Conditions that would include DEP and Commission comments and suggestions. JK, therefore, suggested that the public portion of the hearing be closed and that the vote be continued until the next meeting on 8/25/09.

JE: Motion to close the hearing

JK: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

Director's Determinations and Report

MM informed the Commission that the owners of 15 Swan Road contacted him concerning their quest for a letter of map revision on their property, which should be issued shortly. No vote is required by the Commission.

76 Willowdale Rd. – Repaving an existing driveway.

JK: Motion to issue a Director's Determination to 76 Willowdale Rd. for the re-paving of an existing driveway.

JE: 2nd the motion.

In Favor: 5 Opposed: 0 Absent: 1

Passes

Minutes/Sign Forms/Other Business

ES: Motion to approve Brian Martin as a new member of the Conservation Commission.

CF: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

The minutes from 6/9/09, 6/23/09, and 7/14/09, 7/28/09 meetings could not be approved, as there were not enough members present who attended those meetings.

Signed the following forms:

- 79 Mascuppic Trail Determination of Applicability.

9:05pm

ES: Motion to adjourn

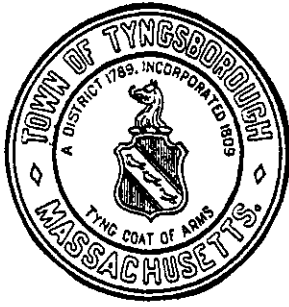
JE: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes

Respectfully submitted

Pamela Berman, Conservation Clerk



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Conservation Commission***

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**AGENDA
August 11, 2009**

- 7:00pm** **George Russell – North Middlesex Council Of Governments (NMCOG):** Tyngsborough Open Space and Recreation Plan.
- 7:05pm** **Merrill Quarry (Kitner Construction, Inc.) –** Swan Road, Tyngsborough: Stormwater Pollution Prevention Plan, dated may 11, 2009, revised July 9, 2009
- 7:10pm** **7 Rock Road (M25, P141, L0) – Request for Determination of Applicability** for the proposed installation of a 30' x 15' above ground pool.
- 7:15pm** **Lake Massapoag Rod & Gun Club (M3, P2, L2) – Notice of Intent DEP# 309-0827** for the proposed harvesting of Variable Millfoil weeds. Continued from 7/28/09.

Discussion:

Administrative:

1. Director's Determinations and Report
 - 15 Swan Road – FEMA letter of map revision
2. Minutes/Bills/Other Business:
 - ❖ Approve the minutes from the 6/9/09 meeting.
 - ❖ Approve the minutes from the 6/23/09 meeting.
 - ❖ Approve the minutes from the 7/14/09 meeting.
 - ❖ Approve the minutes from the 7/28/09 meeting.
3. Sign the following forms:
 - 79 Mascuppick Trail Determination of Applicability